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of this work with the conviction that the pleadings prepared by a writer of such experience and ability, revised and perfected by the skillful editor of this posthumous work, may be strongly commended not only to all men in active practice who need such a book for the exigencies of every day's business, but to those who have a scientific love for accurate and concise averments.

THE CHURCH AND THE LAW, with Special Reference to Ecclesiastical Law in the United States. By HUMPHREY J. DESMOND, of the Wisconsin Bar. Chicago: Callaghan & Co. 1898.

Mr. Desmond's aim, he remarks in the preface, "has been to state the general principles of the law under the various topics touched upon, rather than to deal with details or attempt to summarize statutory provisions." In spite of this, however, and of the fact that he has condensed his subject into one hundred and thirty-three pages, he discloses an acquaintance with the church law in all the states of the Union, and furnishes practical information on most questions of pregnant importance to priest and minister.

To the lawyer the book appeals as enabling him "to refer conveniently to a range of topics not heretofore included in a single volume." It will not, by any means, fill the place of a digest, but it reveals the scope and frame-work of church law in this country, and does this better, for one who is preparing a case on some branch of the subject, than might an attempt at an exhaustive work.

The author asserts that "the *point of contact* between the Church and the Law is always kept in view; and matters extraneous to this plan of treatment are omitted." This accounts for his unusually terse style. It suggests, moreover, the theory on which he wrote and which crops out in every chapter, namely, that Lord Hale's maxim, "Christianity is parcel of the laws of England" is limited in America to mean that the Christian religion and its ordinances are entitled to respect and protection, but only as the people's acknowledged faith. "Further than this the law does not protect it," Gibson, J., of Pennsylvania, is quoted as declaring; "and the only excuse for the maxim, in the opinion of an Ohio authority cited, is the fact that it is a Christian country, and that its constitution and laws are made by a Christian people (23 Ohio St. 211)." Reviling Christianity, therefore, blasphemy and similar offenses are regarded by the law as temporal, and punished, not because Christianity is part of our law, but because such words tend to provoke a breach of the peace. Sunday laws are enacted as civil regulations for the government of man as a member of society. "All agree," said the Supreme Court of Pennsylvania (8 Pa. 312), "that for the well-being of society, periods of rest are absolutely necessary. These periods must recur at stated intervals that the mass of the people may enjoy a respite from labor at the same time.

In a Christian community, then, it is not surprising that Sunday should have received the legislative sanction, but from no purpose to compel a religious observance."

This theory is probably correct and helps explain the *laissez faire* attitude of the United States towards the church, which the author brings out sharply. He seems to have thoroughly mastered the letter and spirit of the numerous State Constitutions in this respect, and does not make too much of the United States Constitutional Amendment that, "Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof." Those who do not believe in the state's interfering at all with church matters are prone to urge this provision far beyond the proper sphere of its application.

Some of the citations should be more explicit, the proof-reading was imperfectly done, and perhaps unnecessary space is devoted to the Edgerton Bible decision, in which the author figured. But altogether this little volume is well worth its price to anyone deeply interested in church affairs. There are nineteen chapters besides an appendix. Some of these treat of church law in general; others treat of special matters, as "Church Property, its Tenure and Exemption from Taxation;" "Protection of Religious Worship;" "Freedom of Worship in Prisons and Reformatories;" "Questions of Church Membership;" "The Church Pew;" "The Church Cemetery;" "Church Records;" and "Privilege of the Pulpit."

J. J. S.

CASES ON THE LAW OF CONTRACTS. By WILLIAM A. KEENER. Two Volumes. New York: Baker, Voorhis & Co. 1898.

This is the largest and most complete case-book on its subject that we have yet seen; it contains nearly nine hundred cases, both American and English, "developing the fundamental principles involved in the formation, performance, and discharge" of contracts. But the order of the topics treated is not as good as that followed in Huffcutt and Woodruff's collection, which adopts Anson's division of the subject; and one or two topics are omitted which seem necessary to a complete presentation of the subject, as, The Impairment of the Obligation of Contracts by Law. The list of cases, while very large, yet does not contain some citations which deserve a place in it, as *Hertzog v. Hertzog*, 29 Pa. 465, a leading case on the distinctions between express and implied contracts; *Bartholomew v. Jackson*, 20 Johns. 28, on the communication of an offer to the offeree; and *Dawkins v. Sappington*, 26 Ind. 199, and *Cunningham v. Darby*, 10 Pa. 366, on Moral Obligation as a Consideration.

M. H.